

UNITED STATES DISTRICT COURT

for the

SOUTHERN District of OHIO

United States of America

v.

GERALD HENDRIX,

Date of Previous Judgment: 12/16/03

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 1:02cr10

) USM No: 03511-061

) Clyde Bennett

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

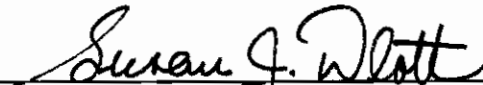
II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): _____

III. ADDITIONAL COMMENTS

Please see attached page

Except as provided above, all provisions of the judgment dated 12/16/03 shall remain in effect.**IT IS SO ORDERED.**Order Date: August 20, 2008



 Judge's signature

Effective Date: _____
 (if different from order date)

Susan J. Dlott, United States District Judge

 Printed name and title

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,	:	1:02cr10
	:	Judge Susan J. Dlott
	:	
V.	:	
	:	
	:	
GERALD HENDRIX,	:	

Continuation of AO 247

III Additional Comments

The defendant is not eligible for consideration for a reduction in sentencing because he was a career offender, which results in an increased penalty based on his prior criminal record, pursuant to USSG § 4B1.1, and is independent of the calculation of the quantity of crack cocaine in the Drug Quantity Table. As a result, the amount of crack cocaine did not determine the length of the sentence in this case.